

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JEREMY RODRIGUEZ-ORTEGA and  
JOSHUA RODRIGUEZ,

Plaintiffs,

v.

Civ. No. 21-1129 JCH/KK

DAVID RICH, KENNETH LUCERO,  
in their official and individual capacities, and  
NEW MEXICO DEPARTMENT OF HEALTH,

Defendants.

**ORDER**

Before the Court are the following motions: Defendant L. Theresa Padilla's Motion to Compel Complete Discovery Responses from Plaintiffs (Doc. 160); Defendant L. Theresa Padilla's Motion to Compel Plaintiffs' Supplemental Discovery Responses (Doc. 174); Plaintiffs' Motion for Rule 16 Sanctions (Doc. 145); Plaintiffs' Motion for Reconsideration (Doc. 146); and Plaintiffs' Opposed Motion to Strike and for Sanctions Against Defendants Rich, Lucero, and DOH (Doc. 181). The Court held a hearing on the Motions on May 14, 2024, and ruled on all but one issue raised in the Motions. Specifically, the Court reserved ruling on the question of whether the DOH failed to properly prepare their Rule 30(b)(6) witnesses pending filing by Plaintiffs' counsel of the Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) listing the topics on which the witnesses would be deposed. (Doc. 181 at 10–12.) Having reviewed Plaintiffs' 30(b)(6) Notice of Deposition, and for the reasons stated on the record at the hearing the Court GRANTS Ms. Padilla's motions on the issues not mooted by agreement of the parties, (*see* Doc. 210); DENIES Plaintiffs' Motion for Rule 16 Sanctions and Plaintiffs' Motion for Reconsideration; and DENIES

Plaintiffs' Opposed Motion to Strike and for Sanctions Against Defendants Rich, Lucero, and DOH.

Although the Court has found no evidence that Ms. Cruz signed her affidavit in bad faith, the Court extended the discovery deadline for the limited purpose of permitting Plaintiffs to depose Kathryn Cruz. **By June 25, 2024, Plaintiffs shall file a Notice informing the Court whether the deposition has taken place, or, if not, the date on which the deposition is scheduled to occur.**

IT IS SO ORDERED.



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KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE